

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

STATE OF MARYLAND, *et al.*, *

Plaintiffs-Appellees, *

v. *

No. 25-1248

UNITED STATES DEPARTMENT *
OF AGRICULTURE, *et al.*,

*

Defendants-Appellants.

*

* * * * *

**OPPOSITION TO REQUEST FOR
IMMEDIATE ADMINISTRATIVE STAY**

Plaintiffs-Appellees—a coalition of 19 States and the District of Columbia (“the States”)—oppose Defendants-Appellants’ (“the Agencies”) motion for an administrative stay for the following reasons.

First, an administrative stay is unnecessary to enable the Court to swiftly resolve the pending substantive motion for a stay of the district court’s temporary restraining order (“TRO”). The States are prepared to file their opposition to the stay motion no later than Wednesday, March 19, at 5:00 p.m. (or any deadline set by this Court, if a briefing schedule is issued).

Second, no urgent circumstances require an immediate administrative stay. Having waited four days since the district court issued its TRO, the Agencies now

seek to administratively stay the temporary order in its entirety. This request comes *after* the district court's 1:00 p.m. deadline for the Agencies to reinstate all terminated probationary employees. (ECF 44 ¶ 3.) Had the Agencies required immediate relief, they could have requested it on Friday, over the weekend, or at any point before the compliance deadline passed. They did not. Accordingly, there is no reason to enter a temporary administrative stay now.

Third, an administrative stay would disrupt rather than preserve the status quo, which is the "last uncontested status between the parties which preceded the controversy." *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 236 (4th Cir. 2014). Here, the district court's order maintains the status quo between the parties by (1) temporarily restraining the Agencies from continuing their string of unlawful mass firings; and (2) temporarily reinstating the terminated probationary employees. And at this point, the States have received word from declarants who supplied statements to the district court that multiple employees in the affected agencies have been offered reinstatement. Indeed, the Agencies represented to the district court that they have "worked diligently . . . to comply with [the TRO] requirements on the deadline established by this Court," and would continue doing so "up to and including the 1pm compliance deadline" of today, March 17, 2025. (ECF 49, at 1–2.) Thus, there is every indication on the ground that the Agencies both can comply and are working to do so. Granting an administrative stay now

would only stall that progress and sow confusion. *See American Fed’n of Gov’t Emps., AFL-CIO v. Office of Personnel Mgmt.*, No. 25-1677 (9th Cir. March 17, 2025), ECF 14.1 (denying emergency motion for an administrative stay because “it would disrupt the status quo and turn it on its head”).

Fourth, an administrative stay would be particularly inappropriate in the context of this appeal because TROs are generally not appealable—and hence this Court lacks jurisdiction over the underlying appeal. *See Drudge v. McKernon*, 482 F.2d 1375, 1376 (4th Cir. 1973) (“[W]e are aware of [no authority], that, as a general rule, the granting . . . of a motion for a temporary restraining order is an appealable order.”); *U.S. Dep’t of Lab. v. Wolf Run Mining Co.*, 452 F.3d 275, 281 n.1 (4th Cir. 2006) (explaining that TROs are of short duration, unlike injunctions); *see also New York v. Trump*, No. 25-1138, 2025 WL 455494, at *1 (1st Cir. Feb. 11, 2025) (noting uncertainty about whether federal courts of appeals “have jurisdiction to consider [a] request for an administrative stay arising out of a temporary restraining order”). Indeed, the district court is working expeditiously to resolve this dispute, having set a briefing schedule for the States’ forthcoming preliminary injunction motion and scheduling a hearing on that motion for March 26. (ECF 44 ¶ 7.) So even though the TRO is not appealable, an appealable order will likely be issued soon.

Lastly, an administrative stay is unwarranted because the record evidence and law overwhelmingly support the district court’s decision to issue a TRO, as the

States' forthcoming opposition to the Agencies' motion for a stay pending appeal will explain in greater detail.

CONCLUSION

The Court should deny the Agencies' request for an immediate administrative stay.

Respectfully submitted,

KEITH ELLISON
Attorney General of Minnesota

LIZ KRAMER
Solicitor General

445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131
651-757-1059
651-282-5832 (facsimile)
liz.kramer@ag.state.mn.us

Attorneys for the State of Minnesota

BRIAN SCHWALB
Attorney General of the District of
Columbia

CAROLINE S. VAN ZILE
Solicitor General

ASHWIN P. PHATAK
Principal Deputy Solicitor General

ANTHONY G. BROWN
Attorney General of Maryland

/s/ Virginia A. Williamson
ADAM KIRSCHNER
MICHAEL DREZNER
VIRGINIA A. WILLIAMSON
Assistant Attorneys General
Office of the Attorney General
200 St. Paul Place, 20th Floor
Baltimore, Maryland 21202
(410) 576-6584
(410) 576-6437 (facsimile)
vwilliamson@oag.state.md.us

Attorneys for the State of Maryland

KRISTIN K. MAYES
Attorney General of Arizona

HAYLEIGH S. CRAWFORD
Deputy Solicitor General
2005 North Central Avenue
Phoenix, Arizona 85004
(602) 542-3333
Hayleigh.Crawford@azag.gov

ANNE DENG
TESSA GELLERSON
CHRIS MENDEZ
MARK RUCCI
Assistant Attorneys General

Office of the Attorney General for
the District of Columbia
400 6th Street N.W., 10th Floor
Washington, D.C. 20001
(202) 724-6609
caroline.vanzile@dc.gov

Attorneys for the District of Columbia

ROB BONTA
Attorney General of California

SATOSHI YANAI
Senior Assistant Attorney General
MIRANDA MAISON
Supervising Deputy Attorney General
DEMIAN CAMACHO
Deputy Attorney General
California Department of Justice
600 W. Broadway, Suite 1800
San Diego, CA 92101
(619) 738-9132
Demian.Camacho@doj.ca.gov

Attorneys for the State of California

ACL@azag.gov

Attorneys for the State of Arizona

PHIL WEISER
Attorney General of Colorado

DAVID MOSKOWITZ
Deputy Solicitor General
Office of the Colorado Attorney General
1300 Broadway, #10
Denver, CO 80203
(720) 508-6000
David.Moskowitz@coag.gov

Attorneys for the State of Colorado

WILLIAM TONG
Attorney General of Connecticut

MICHAEL SKOLD
Solicitor General
165 Capitol Avenue
Hartford, CT 06106
Phone: (860) 808 5020
michael.skold@ct.gov

Attorneys for Connecticut

ANNE E. LOPEZ
Attorney General of Hawai'i

KALIKO'ONĀLANI D. FERNANDES
Solicitor General
425 Queen Street
Honolulu, HI 96813
(808) 586-1360
kaliko.d.fernandes@hawaii.gov

Attorneys for the State of Hawai'i

ANDREA JOY CAMPBELL
Attorney General of Massachusetts

KATHERINE DIRKS
Chief State Trial Counsel
Office of the Attorney General
1 Ashburton Pl.
Boston, MA 02108

KATHLEEN JENNINGS
Attorney General of Delaware

IAN R. LISTON
Director of Impact Litigation

VANESSA L. KASSAB
Deputy Attorney General
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 683-8899
vanessa.kassab@delaware.gov

Attorneys for Delaware

KWAME RAOUL
Attorney General of Illinois

JANE ELINOR NOTZ
Solicitor General

SARAH A. HUNGER
Deputy Solicitor General
Office of the Illinois Attorney General
115 South LaSalle Street
Chicago, Illinois 60603
(312) 814-5202
sarah.hunger@ilag.gov

Attorneys for the State of Illinois

DANA NESSEL
Attorney General of Michigan

BRYAN DAVIS, JR.
DEBBIE TAYLOR
Assistant Attorneys General
Department of Attorney General
Labor Division

617.963.2277
katherine.dirks@mass.gov

Attorneys for the Commonwealth of
Massachusetts

AARON D. FORD
Attorney General of Nevada

HEIDI PARRY STERN
Solicitor General
Office of the Nevada Attorney
General
1 State of Nevada Way, Ste. 100
Las Vegas, NV 89119
HStern@ag.nv.gov

Attorneys for the State of Nevada

RAÚL TORREZ
Attorney General of New Mexico

ANJANA SAMANT
Deputy Counsel for Impact Litigation
New Mexico Department of Justice
408 Galisteo St.
Santa Fe, NM 87501
(505) 490-4060
asamant@nmdoj.gov

Attorneys for the State of New Mexico

DAN RAYFIELD
Attorney General of Oregon

STACY M. CHAFFIN
Senior Assistant Attorney General

3030 W. Grand Blvd., Ste. 9-600
Detroit, MI 48202
davisb47@michigan.gov
taylord8@michigan.gov
(313) 456-2200

Attorneys for the State of Michigan

MATTHEW J. PLATKIN
Attorney General of New Jersey

NATHANIEL LEVY
Deputy Attorney General
25 Market Street
Trenton, NJ 08625
Phone: (862) 350-5800
Nathaniel.Levy@njoag.gov

Attorneys for the State of New Jersey

LETITIA JAMES
Attorney General of New York

MARK S. GRUBE
Senior Assistant Solicitor General
New York Office of the Attorney General
28 Liberty St.
New York, NY 10005
(212-) 416-8028
mark.grube@ag.ny.gov

Attorneys for the State of New York

PETER F. NERONHA
Attorney General of Rhode Island

NATALYA A. BUCKLER
Assistant Attorney General

1162 Court Street NE
Salem, OR 97301
Stacy.Chaffin@doj.oregon.gov

Attorneys for the State of Oregon

CHARITY R. CLARK
Attorney General of Vermont

JONATHAN T. ROSE
Solicitor General
109 State Street
Montpelier, VT 05609
(802) 828-3171
Jonathan.rose@vermont.gov

Attorneys for the State of Vermont

150 South Main Street
Providence, RI 02903
(401) 274-4400, Ext. 2022
nbuckler@riag.ri.gov

Attorneys for the State of Rhode Island

JOSHUA L. KAUL
Attorney General of Wisconsin

BRIAN P. KEENAN
Assistant Attorney General
Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-0020
(608) 294-2907 (Fax)
keenanbp@doj.state.wi.us

Attorneys for the State of Wisconsin

March 17, 2025

CERTIFICATE OF SERVICE

I certify that on this 17th day of March 2025, the foregoing Opposition to Request for Immediate Administrative Stay was filed electronically and served on counsel of record who are registered CM/ECF users.

/s/ Virginia A. Williamson
Virginia A. Williamson